

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928

Bail Appl..No. 6203 of 2006

CRIME NO.320/2006 OF CHINGAVANAM POLICE STATION, KOTTAYAM

PETITIONER/ACCUSED NOS. 1 & 2

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1. SHAJI THOMAS, AGED 46, S/O.JOSEPH
THOMAS, `SHA VILLA', POOVANTHURUTHU P.O.,
KOTTAYAM-12.
 2. SANTHOSH, AGED 27, S/O.SIVAN,
`THIRUTHUMMEL CHIRAYIL HOUSE', MOOLAVATTOM P.O.,
KOTTAYAM.

BY ADV. SRI.H.SUNDEEP

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, CHINGAVANAM
POLICE STATION, KOTTAYAM, NOTICE TO WHOM MAY BE
SERVED ON THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25/10/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 6203/2006

DATED THIS THE 25TH DAY OF OCTOBER, 2006

O R D E R

The petitioners are accused 1 and 2, in crime No.320/2006 of Chingavanam Police Station, Kottayam, for the offence punishable under Sections 394 and 326 IPC read with Section 34 IPC.

2. The prosecution submits that the petitioners, who are the notorious criminals of the area having nick names, had demanded money to the defacto complainant, while he was sitting on the bike. When refused, they had assaulted and caused him fracture on the nasal bone. He was admitted in the hospital. Therefore, at his instance, the police registered the crime.

3. The learned counsel for the petitioners, on the other hand, submits that the house of the first petitioner was attacked by pelting stones and breaking the window panes, (photographs are attached with the bail application), and caused damages. The wife and

daughters of the first petitioner were also threatened. The wife of the first petitioner was hospitalised, because of the attack. However, because of the extraneous influence, the police registered the crime against the petitioners, submits the counsel.

4. The Public Prosecutor, however, denied all such allegations made by the learned counsel for the petitioners against the prosecution. It is the case of the prosecution that the petitioners had created all the problem and the other story, put forward by the petitioners, is only an afterthought and the crime registered at the instance of the daughter of the first petitioner after two days, is only to reduce the gravity of the crime registered against the petitioners.

5. After hearing both sides, without entering into any discussion on the merit of the matter, I direct the petitioners to surrender before the Investigating Officer, who is investigating crime No.320/2006 of Chingavanam Police Station, on 31.10.2006 between 10.00 a.m and 10.30 a.m.

6. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below, on the same day itself, and the learned Magistrate shall hear both sides and pass appropriate orders, on merit.

The application is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS